

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 286 be amended to read as follows:

- 1 Page 9, between lines 27 and 28, begin a new paragraph and insert:
2 "SECTION 10. IC 6-1.1-12.1-1, AS AMENDED BY P.L.4-2000,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2004]: Sec. 1. For purposes of this chapter:
5 (1) "Economic revitalization area" means an area which is within
6 the corporate limits of a city, town, or county which has become
7 undesirable for, or impossible of, normal development and
8 occupancy because of a lack of development, cessation of
9 growth, deterioration of improvements or character of occupancy,
10 age, obsolescence, substandard buildings, or other factors which
11 have impaired values or prevent a normal development of property
12 or use of property. The term "economic revitalization area" also
13 includes:
14 (A) any area where a facility or a group of facilities that are
15 technologically, economically, or energy obsolete are located
16 and where the obsolescence may lead to a decline in
17 employment and tax revenues; and
18 (B) a residentially distressed area, except as otherwise provided
19 in this chapter.
20 (2) "City" means any city in this state, and "town" means any
21 town incorporated under IC 36-5-1.
22 (3) "New manufacturing equipment" means any tangible personal
23 property which:
24 (A) was installed after February 28, 1983, and before January

1, 2006, in an area that is declared an economic revitalization area after February 28, 1983, in which a deduction for tangible personal property is allowed;

(B) is used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property, including but not limited to use to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(C) was acquired by its owner for use as described in clause (B) and was never before used by its owner for any purpose in Indiana.

However, notwithstanding any other law, the term includes tangible personal property that is used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products and was installed after March 1, 1993, and before March 2, 1996, even if the property was installed before the area where the property is located was designated as an economic revitalization area or the statement of benefits for the property was approved by the designating body.

(4) "Property" means a building or structure, but does not include land.

(5) "Redevelopment" means the construction of new structures in economic revitalization areas, either:

(A) on unimproved real estate; or

(B) on real estate upon which a prior existing structure is demolished to allow for a new construction.

(6) "Rehabilitation" means the remodeling, repair, or betterment of property in any manner or any enlargement or extension of property.

(7) "Designating body" means the following:

(A) For a county that does not contain a consolidated city, the fiscal body of the county, city, or town.

(B) For a county containing a consolidated city, the metropolitan development commission.

(8) "Deduction application" means either:

(A) the application filed in accordance with section 5 of this chapter by a property owner who desires to obtain the deduction provided by section 3 of this chapter; or

(B) the application filed in accordance with section 5.5 of this chapter by a person who desires to obtain the deduction provided by section 4.5 of this chapter.

(9) "Designation application" means an application that is filed with a designating body to assist that body in making a determination about whether a particular area should be designated as an economic revitalization area.

(10) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a). The term includes waste determined to be a hazardous waste under IC 13-22-2-3(b).

(11) "Solid waste" has the meaning set forth in IC 13-11-2-205(a). However, the term does not include dead animals or any animal solid or semisolid wastes.

(12) "New research and development equipment" means tangible personal property that:

(A) is installed after June 30, 2000, and before January 1, 2006, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

- (i) laboratory equipment;
- (ii) research and development equipment;
- (iii) computers and computer software;
- (iv) telecommunications equipment; or
- (v) testing equipment;

(C) is used in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products; and

(D) is acquired by the property owner for purposes described in this subdivision and was never before used by the owner for any purpose in Indiana.

The term does not include equipment installed in facilities used for or in connection with efficiency surveys, management studies, consumer surveys, economic surveys, advertising or promotion, or research in connection with literacy, history, or similar projects.

(13) "New logistical distribution equipment" means tangible personal property that:

(A) is installed after June 30, 2004, and before January 1, 2006, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

- (i) racking equipment;**
- (ii) scanning or coding equipment;**
- (iii) separators;**
- (iv) conveyors;**
- (v) fork lifts or lifting equipment (including "walk behinds");**
- (vi) transitional moving equipment;**
- (vii) packaging equipment;**
- (viii) sorting and picking equipment; or**
- (ix) software for technology used in logistical**

- 1 **distribution;**
 2 **(C) is used for the storage or distribution of goods,**
 3 **services, or information; and**
 4 **(D) before being used as described in clause (C), was**
 5 **never used by its owner for any purpose in Indiana.**
 6 **(14) "New information technology equipment" means**
 7 **tangible personal property that:**
 8 **(A) is installed after June 30, 2004, and before January 1,**
 9 **2006, in an economic revitalization area in which a**
 10 **deduction for tangible personal property is allowed;**
 11 **(B) consists of equipment, including software, used in the**
 12 **fields of:**
 13 **(i) information processing;**
 14 **(ii) office automation;**
 15 **(iii) telecommunication facilities and networks;**
 16 **(iv) informatics;**
 17 **(v) network administration;**
 18 **(vi) software development; and**
 19 **(vii) fiber optics; and**

20 **(C) before being installed as described in clause (A), was**
 21 **never used by its owner for any purpose in Indiana.**

22 SECTION 11. IC 6-1.1-12.1-2, AS AMENDED BY P.L.4-2000,
 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2004]: Sec. 2. (a) A designating body may find that a particular
 25 area within its jurisdiction is an economic revitalization area. However,
 26 the deduction provided by this chapter for economic revitalization areas
 27 not within a city or town shall not be available to retail businesses.

28 (b) In a county containing a consolidated city or within a city or
 29 town, a designating body may find that a particular area within its
 30 jurisdiction is a residentially distressed area. Designation of an area as
 31 a residentially distressed area has the same effect as designating an area
 32 as an economic revitalization area, except that the amount of the
 33 deduction shall be calculated as specified in section 4.1 of this chapter
 34 and the deduction is allowed for not more than five (5) years. In order
 35 to declare a particular area a residentially distressed area, the designating
 36 body must follow the same procedure that is required to designate an
 37 area as an economic revitalization area and must make all the following
 38 additional findings or all the additional findings described in subsection
 39 (c):

- 40 (1) The area is comprised of parcels that are either unimproved or
 41 contain only one (1) or two (2) family dwellings or multifamily
 42 dwellings designed for up to four (4) families, including accessory
 43 buildings for those dwellings.
 44 (2) Any dwellings in the area are not permanently occupied and

are:

(A) the subject of an order issued under IC 36-7-9; or

(B) evidencing significant building deficiencies.

(3) Parcels of property in the area:

(A) have been sold and not redeemed under IC 6-1.1-24 and

IC 6-1.1-25; or

(B) are owned by a unit of local government.

However, in a city in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the designating body is only required to make one (1) of the additional findings described in this subsection or one (1) of the additional findings described in subsection (c).

(c) In a county containing a consolidated city or within a city or town, a designating body that wishes to designate a particular area a residentially distressed area may make the following additional findings as an alternative to the additional findings described in subsection (b):

(1) A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land.

(2) A significant number of dwelling units within the area are:

(A) the subject of an order issued under IC 36-7-9; or

(B) evidencing significant building deficiencies.

(3) The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the area is owned by Indiana or the United States.

(4) The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the designating body's jurisdiction.

However, in a city in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the designating body is only required to make one (1) of the additional findings described in this subsection as an alternative to one (1) of the additional findings described in subsection (b).

(d) A designating body is required to attach the following conditions to the grant of a residentially distressed area designation:

(1) The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.

(2) If a designation application is filed, the designating body may require that the redevelopment or rehabilitation be completed within a reasonable period of time.

(e) To make a designation described in subsection (a) or (b), the designating body shall use procedures prescribed in section 2.5 of this chapter.

(f) The property tax deductions provided by sections 3 and 4.5 of this chapter are only available within an area which the designating body

1 finds to be an economic revitalization area.

2 (g) The designating body may adopt a resolution establishing general
3 standards to be used, along with the requirements set forth in the
4 definition of economic revitalization area, by the designating body in
5 finding an area to be an economic revitalization area. The standards
6 must have a reasonable relationship to the development objectives of the
7 area in which the designating body has jurisdiction. The following three
8 (3) sets of standards may be established:

9 (1) One (1) relative to the deduction under section 3 of this
10 chapter for economic revitalization areas that are not residentially
11 distressed areas.

12 (2) One (1) relative to the deduction under section 3 of this
13 chapter for residentially distressed areas.

14 (3) One (1) relative to the deduction allowed under section 4.5 of
15 this chapter.

16 (h) A designating body may impose a fee for filing a designation
17 application for a person requesting the designation of a particular area
18 as an economic revitalization area. The fee may be sufficient to defray
19 actual processing and administrative costs. However, the fee charged
20 for filing a designation application for a parcel that contains one (1) or
21 more owner-occupied, single-family dwellings may not exceed the cost
22 of publishing the required notice.

23 (i) In declaring an area an economic revitalization area, the
24 designating body may:

25 (1) limit the time period to a certain number of calendar years
26 during which the area shall be so designated;

27 (2) limit the type of deductions that will be allowed within the
28 economic revitalization area to either the deduction allowed under
29 section 3 of this chapter or the deduction allowed under section
30 4.5 of this chapter;

31 (3) limit the dollar amount of the deduction that will be allowed
32 with respect to new manufacturing equipment, ~~and~~ new research
33 and development equipment, **new logistical distribution**
34 **equipment, and new information technology equipment** if a
35 deduction under this chapter had not been filed before July 1,
36 1987, for that equipment;

37 (4) limit the dollar amount of the deduction that will be allowed
38 with respect to redevelopment and rehabilitation occurring in areas
39 that are designated as economic revitalization areas on or after
40 September 1, 1988; or

41 (5) impose reasonable conditions related to the purpose of this
42 chapter or to the general standards adopted under subsection (g)
43 for allowing the deduction for the redevelopment or rehabilitation
44 of the property or the installation of the new manufacturing
45 equipment, ~~or~~ new research and development equipment, ~~or both~~.

new logistical distribution equipment, or new information technology equipment.

To exercise one (1) or more of these powers a designating body must include this fact in the resolution passed under section 2.5 of this chapter.

(j) Notwithstanding any other provision of this chapter, if a designating body limits the time period during which an area is an economic revitalization area, that limitation does not:

(1) prevent a taxpayer from obtaining a deduction for new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both,~~ **new logistical distribution equipment, or new information technology equipment** installed before January 1, 2006, but after the expiration of the economic revitalization area if:

(A) the economic revitalization area designation expires after December 30, 1995; and

(B) the new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both,~~ **new logistical distribution equipment, or new information technology equipment** was described in a statement of benefits submitted to and approved by the designating body in accordance with section 4.5 of this chapter before the expiration of the economic revitalization area designation; or

(2) limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under section 4 or 4.5 of this chapter.

(k) Notwithstanding any other provision of this chapter, deductions:

(1) that are authorized under section 3 of this chapter for property in an area designated as an urban development area before March 1, 1983, and that are based on an increase in assessed valuation resulting from redevelopment or rehabilitation that occurs before March 1, 1983; or

(2) that are authorized under section 4.5 of this chapter for new manufacturing equipment installed in an area designated as an urban development area before March 1, 1983;

apply according to the provisions of this chapter as they existed at the time that an application for the deduction was first made. No deduction that is based on the location of property or new manufacturing equipment in an urban development area is authorized under this chapter after February 28, 1983, unless the initial increase in assessed value resulting from the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment occurred before March 1, 1983.

(l) If property located in an economic revitalization area is also located in an allocation area (as defined in IC 36-7-14-39 or

IC 36-7-15.1-26), an application for the property tax deduction provided by this chapter may not be approved unless the commission that designated the allocation area adopts a resolution approving the application.

SECTION 12. IC 6-1.1-12.1-4.5, AS AMENDED BY P.L.1-2003, SECTION 22, AND AS AMENDED BY P.L.245-2003, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4.5. (a) For purposes of this section, "personal property" means personal property other than inventory (as defined in IC 6-1.1-3-11(a)).

(b) An applicant must provide a statement of benefits to the designating body. The applicant must provide the completed statement of benefits form to the designating body before the hearing specified in section 2.5(c) of this chapter or before the installation of the new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both,~~ **new logistical distribution equipment, or new information technology equipment** for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both,~~ **new logistical distribution equipment, or new information technology equipment** that the person proposes to acquire.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment, **new logistical distribution equipment, or new information technology equipment;**

an estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the installation of the new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both,~~ **new logistical distribution equipment, or new information technology equipment** and an estimate of the annual salaries of these individuals.

(3) An estimate of the cost of the new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both,~~ **new logistical distribution equipment, or new information technology equipment.**

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, an estimate of the amount of solid waste or hazardous waste that will

1 be converted into energy or other useful products by the new
2 manufacturing equipment.

3 The statement of benefits may be incorporated in a designation
4 application. Notwithstanding any other law, a statement of benefits is
5 a public record that may be inspected and copied under IC 5-14-3-3.

6 (c) The designating body must review the statement of benefits
7 required under subsection (b). The designating body shall determine
8 whether an area should be designated an economic revitalization area or
9 whether the deduction shall be allowed, based on (and after it has made)
10 the following findings:

11 (1) Whether the estimate of the cost of the new manufacturing
12 equipment, ~~or new research and development equipment, or both,~~
13 **new logistical distribution equipment, or new information**
14 **technology equipment** is reasonable for equipment of that type.

15 (2) With respect to:

16 (A) new manufacturing equipment not used to dispose of solid
17 waste or hazardous waste by converting the solid waste or
18 hazardous waste into energy or other useful products; and

19 (B) new research and development equipment, **new logistical**
20 **distribution equipment, or new information technology**
21 **equipment;**

22 whether the estimate of the number of individuals who will be
23 employed or whose employment will be retained can be reasonably
24 expected to result from the installation of the new manufacturing
25 equipment, ~~or new research and development equipment, or both,~~
26 **new logistical distribution equipment, or new information**
27 **technology equipment.**

28 (3) Whether the estimate of the annual salaries of those individuals
29 who will be employed or whose employment will be retained can
30 be reasonably expected to result from the proposed installation of
31 new manufacturing equipment, ~~or new research and development~~
32 ~~equipment, or both,~~ **new logistical distribution equipment, or**
33 **new information technology equipment.**

34 (4) With respect to new manufacturing equipment used to dispose
35 of solid waste or hazardous waste by converting the solid waste
36 or hazardous waste into energy or other useful products, whether
37 the estimate of the amount of solid waste or hazardous waste that
38 will be converted into energy or other useful products can be
39 reasonably expected to result from the installation of the new
40 manufacturing equipment.

41 (5) Whether any other benefits about which information was
42 requested are benefits that can be reasonably expected to result
43 from the proposed installation of new manufacturing equipment,
44 ~~or new research and development equipment, or both,~~ **new**
45 **logistical distribution equipment, or new information**

technology equipment.

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(d) Except as provided in subsection (h), an owner of new manufacturing equipment, ~~or new research and development equipment, or both,~~ **new logistical distribution equipment, or new information technology equipment** whose statement of benefits is approved after June 30, 2000, is entitled to a deduction from the assessed value of that equipment for the number of years determined by the designating body under subsection (g). Except as provided in subsection (f) and in section 2(i)(3) of this chapter, the amount of the deduction that an owner is entitled to for a particular year equals the product of:

(1) the assessed value of the new manufacturing equipment, ~~or new research and development equipment, or both,~~ **new logistical distribution equipment, or new information technology equipment** in the year of deduction under the appropriate table set forth in subsection (e); multiplied by

(2) the percentage prescribed in the *appropriate* table set forth in subsection (e).

(e) The percentage to be used in calculating the deduction under subsection (d) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd and thereafter	0%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%
3rd and thereafter	0%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%
4th and thereafter	0%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%

1	5th and thereafter	0%
2	(5) For deductions allowed over a five (5) year period:	
3	YEAR OF DEDUCTION	PERCENTAGE
4	1st	100%
5	2nd	80%
6	3rd	60%
7	4th	40%
8	5th	20%
9	6th and thereafter	0%
10	(6) For deductions allowed over a six (6) year period:	
11	YEAR OF DEDUCTION	PERCENTAGE
12	1st	100%
13	2nd	85%
14	3rd	66%
15	4th	50%
16	5th	34%
17	6th	25%
18	7th and thereafter	0%
19	(7) For deductions allowed over a seven (7) year period:	
20	YEAR OF DEDUCTION	PERCENTAGE
21	1st	100%
22	2nd	85%
23	3rd	71%
24	4th	57%
25	5th	43%
26	6th	29%
27	7th	14%
28	8th and thereafter	0%
29	(8) For deductions allowed over an eight (8) year period:	
30	YEAR OF DEDUCTION	PERCENTAGE
31	1st	100%
32	2nd	88%
33	3rd	75%
34	4th	63%
35	5th	50%
36	6th	38%
37	7th	25%
38	8th	13%
39	9th and thereafter	0%
40	(9) For deductions allowed over a nine (9) year period:	
41	YEAR OF DEDUCTION	PERCENTAGE
42	1st	100%
43	2nd	88%
44	3rd	77%
45	4th	66%
46	5th	55%

1	6th	44%
2	7th	33%
3	8th	22%
4	9th	11%
5	10th and thereafter	0%
6	(10) For deductions allowed over a ten (10) year period:	
7	YEAR OF DEDUCTION	PERCENTAGE
8	1st	100%
9	2nd	90%
10	3rd	80%
11	4th	70%
12	5th	60%
13	6th	50%
14	7th	40%
15	8th	30%
16	9th	20%
17	10th	10%
18	11th and thereafter	0%

(f) With respect to new manufacturing equipment and new research and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:

- (1) the deduction under this section as in effect on March 1, 2001; and
- (2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

(g) For an economic revitalization area designated before July 1, 2000, the designating body shall determine whether a property owner whose statement of benefits is approved after April 30, 1991, is entitled to a deduction for five (5) or ten (10) years. For an economic revitalization area designated after June 30, 2000, the designating body shall determine the number of years the deduction is allowed. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

- (1) as part of the resolution adopted under section 2.5 of this chapter; or
- (2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(h) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

(1) is convicted of a violation under IC 13-7-13-3 (repealed), IC 13-7-13-4 (repealed), or IC 13-30-6; or

(2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

SECTION 13. IC 6-1.1-12.1-5.4, AS AMENDED BY P.L.245-2003, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5.4. (a) A person that desires to obtain the deduction provided by section 4.5 of this chapter must file a certified deduction application on forms prescribed by the department of local government finance with the auditor of the county in which the new manufacturing equipment, ~~or new research and development equipment,~~ **or both, new logistical distribution equipment, or new information technology equipment** is located. A person that timely files a personal property return under IC 6-1.1-3-7(a) for the year in which the new manufacturing equipment, ~~or new research and development equipment,~~ **or both, new logistical distribution equipment, or new information technology equipment** is installed must file the application between March 1 and May 15 of that year. A person that obtains a filing extension under IC 6-1.1-3-7(b) for the year in which the new manufacturing equipment, ~~or new research and development equipment,~~ **or both, new logistical distribution equipment, or new information technology equipment** is installed must file the application between March 1 and the extended due date for that year.

(b) The deduction application required by this section must contain the following information:

(1) The name of the owner of the new manufacturing equipment, ~~or new research and development equipment, or both, new logistical distribution equipment, or new information technology equipment.~~

(2) A description of the new manufacturing equipment, ~~or new research and development equipment, or both, new logistical distribution equipment, or new information technology equipment.~~

(3) Proof of the date the new manufacturing equipment, ~~or new research and development equipment, or both, new logistical distribution equipment, or new information technology equipment~~ was installed.

(4) The amount of the deduction claimed for the first year of the

deduction.

(c) This subsection applies to a deduction application with respect to new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both,~~ **new logistical distribution equipment, or new information technology equipment** for which a statement of benefits was initially approved after April 30, 1991. If a determination about the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body, and the designating body shall adopt a resolution under section 4.5(g)(2) of this chapter.

(d) A deduction application must be filed under this section in the year in which the new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both,~~ **new logistical distribution equipment, or new information technology equipment** is installed and in each of the immediately succeeding years the deduction is allowed.

(e) Subject to subsection (i), the county auditor shall:

(1) review the deduction application; and

(2) approve, deny, or alter the amount of the deduction.

Upon approval of the deduction application or alteration of the amount of the deduction, the county auditor shall make the deduction. The county auditor shall notify the county property tax assessment board of appeals of all deductions approved under this section.

(f) If the ownership of new manufacturing equipment, ~~or~~ new research and development equipment, ~~or both,~~ **new logistical distribution equipment, or new information technology equipment** changes, the deduction provided under section 4.5 of this chapter continues to apply to that equipment if the new owner:

(1) continues to use the equipment in compliance with any standards established under section 2(g) of this chapter; and

(2) files the deduction applications required by this section.

(g) The amount of the deduction is the percentage under section 4.5 of this chapter that would have applied if the ownership of the property had not changed multiplied by the assessed value of the equipment for the year the deduction is claimed by the new owner.

(h) A person may appeal the determination of the county auditor under subsection (e) by filing a complaint in the office of the clerk of the circuit or superior court not more than forty-five (45) days after the county auditor gives the person notice of the determination.

(i) Before the county auditor acts under subsection (e), the county auditor may request that the township assessor in which the property is located review the deduction application.

SECTION 14. IC 6-1.1-12.1-5.6, AS AMENDED BY P.L.4-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2004]: Sec. 5.6. (a) This subsection applies to a property owner whose statement of benefits was approved under section 4.5 of this chapter before July 1, 1991. In addition to the requirements of section 5.5(b) of this chapter, a deduction application filed under section 5.5 of this chapter must contain information showing the extent to which there has been compliance with the statement of benefits approved under section 4.5 of this chapter. Failure to comply with a statement of benefits approved before July 1, 1991, may not be a basis for rejecting a deduction application.

(b) This subsection applies to a property owner whose statement of benefits was approved under section 4.5 of this chapter after June 30, 1991. In addition to the requirements of section 5.5(b) of this chapter, a property owner who files a deduction application under section 5.5 of this chapter must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits approved under section 4.5 of this chapter.

(c) Notwithstanding IC 5-14-3 and IC 6-1.1-35-9, the following information is a public record if filed under this section:

(1) The name and address of the taxpayer.

(2) The location and description of the new manufacturing equipment, ~~or new research and development equipment, or both;~~ **new logistical distribution equipment, or new information technology equipment** for which the deduction was granted.

(3) Any information concerning the number of employees at the facility where the new manufacturing equipment, ~~or new research and development equipment, or both;~~ **new logistical distribution equipment, or new information technology equipment** is located, including estimated totals that were provided as part of the statement of benefits.

(4) Any information concerning the total of the salaries paid to those employees, including estimated totals that were provided as part of the statement of benefits.

(5) Any information concerning the amount of solid waste or hazardous waste converted into energy or other useful products by the new manufacturing equipment.

(6) Any information concerning the assessed value of the new manufacturing equipment, ~~or new research and development equipment, or both;~~ **new logistical distribution equipment, or new information technology equipment** including estimates that were provided as part of the statement of benefits.

(d) The following information is confidential if filed under this section:

(1) Any information concerning the specific salaries paid to individual employees by the owner of the new manufacturing

equipment, ~~or~~ new research and development equipment, ~~or both~~
new logistical distribution equipment, or new information
technology equipment.

(2) Any information concerning the cost of the new
 manufacturing equipment, ~~or~~ new research and development
 equipment, ~~or both~~ **new logistical distribution equipment, or**
new information technology equipment.

SECTION 15. IC 6-1.1-12.1-5.8, AS AMENDED BY P.L.256-2003,
 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2004]: Sec. 5.8. In lieu of providing the statement of benefits
 required by section 3 or 4.5 of this chapter and the additional
 information required by section 5.1 or 5.6 of this chapter, the
 designating body may, by resolution, waive the statement of benefits if
 the designating body finds that the purposes of this chapter are served
 by allowing the deduction and the property owner has, during the
 thirty-six (36) months preceding the first assessment date to which the
 waiver would apply, installed new manufacturing equipment, ~~or~~ new
 research and development equipment, ~~or both~~, **new logistical**
distribution equipment, or new information technology equipment
 or developed or rehabilitated property at a cost of at least ten million
 dollars (\$10,000,000) as determined by the assessor of the township in
 which the property is located.

SECTION 16. IC 6-1.1-12.1-8, AS AMENDED BY P.L.90-2002,
 SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2004]: Sec. 8. (a) Not later than December 31 of each year,
 the county auditor shall publish the following in a newspaper of general
 interest and readership and not one of limited subject matter:

(1) A list of the approved deduction applications that were filed
 under this chapter during that year. The list must contain the
 following:

(A) The name and address of each person approved for or
 receiving a deduction that was filed for during the year.

(B) The amount of each deduction that was filed for during the
 year.

(C) The number of years for which each deduction that was
 filed for during the year will be available.

(D) The total amount for all deductions that were filed for and
 granted during the year.

(2) The total amount of all deductions for real property that were
 in effect under section 3 of this chapter during the year.

(3) The total amount of all deductions for new manufacturing
 equipment, ~~or~~ new research and development equipment, ~~or both~~,
new logistical distribution equipment, or new information
technology equipment that were in effect under section 4.5 of
 this chapter during the year.

(b) The county auditor shall file the information described in subsection (a)(2) and (a)(3) with the department of local government finance not later than December 31 of each year.

SECTION 17. IC 6-1.1-12.1-11.3, AS AMENDED BY P.L.245-2003, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11.3. (a) This section applies only to the following requirements:

(1) Failure to provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter.

(2) Failure to submit the completed statement of benefits form to the designating body before the initiation of the redevelopment or rehabilitation or the installation of new manufacturing equipment, ~~or new research and development equipment, or both,~~ **new logistical distribution equipment, or new information technology equipment** for which the person desires to claim a deduction under this chapter.

(3) Failure to designate an area as an economic revitalization area before the initiation of the:

(A) redevelopment;

(B) installation of new manufacturing equipment, ~~or new research and development equipment, or both,~~ **new logistical distribution equipment, or new information technology equipment;** or

(C) rehabilitation;

for which the person desires to claim a deduction under this chapter.

(4) Failure to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction for new manufacturing equipment, ~~or new research and development equipment, or both,~~ **new logistical distribution equipment, or new information technology equipment** under section 2, 3, or 4.5 of this chapter.

(5) Failure to file a:

(A) timely; or

(B) complete;

deduction application under section 5 or 5.4 of this chapter.

(b) This section does not grant a designating body the authority to exempt a person from filing a statement of benefits or exempt a designating body from making findings of fact.

(c) A designating body may by resolution waive noncompliance described under subsection (a) under the terms and conditions specified

- 1 in the resolution. Before adopting a waiver under this subsection, the
- 2 designating body shall conduct a public hearing on the waiver."
- 3 Renumber all SECTIONS consecutively.
(Reference is to ESB 286 as printed February 20, 2004.)

Representative Turner